

## Bureau of Reclamation, Interior

§ 429.28

only be issued upon receipt by Reclamation of all required costs and fees, and the use authorization signed by you.

cable Regional Director, the application fees may be waived, and charges for administrative costs or use fees may be waived or reduced as indicated by a ✓ in the following table:

### Subpart F—Reductions or Waivers of Application Fees, Administrative Costs, and Use Fees

#### § 429.26 When may Reclamation reduce or waive costs or fees?

(a) As determined appropriate and approved and documented by the appli-

Situations where costs and fees may be reduced or waived	Application fee	Administrative costs	Use fee
(1) The use is a courtesy to a foreign government or if comparable fees are set on a reciprocal basis with a foreign government .....	✓	✓	✓
(2) The use is so minor or short term that the cost of collecting fees is equal to or greater than the value of the use .....	✓	✓	✓
(3) The use will benefit the general public with no specific entity or group of beneficiaries readily identifiable .....	✓	✓	✓
(4) Applicant is a public entity or Indian tribe .....	✓	✓	✓
(5) Applicant is a non-profit or educational entity and the use provides a general public benefit .....	✓	✓	✓
(6) Applicant is a rural electric association or municipal utility or cooperative .....	✓	✓	✓
(7) The use directly supports United States' programs or projects .....	✓	✓	✓
(8) The use secures a reciprocal land use of equal or greater value to the United States .....	✓	✓	✓
(9) Applicant for a consent document is the underlying owner of the property subject to Reclamation's easement .....	✓	✓	( <sup>1</sup> )
(10) The use is issued under competitive bidding .....	✓	✓	( <sup>2</sup> )

<sup>1</sup> Not applicable.

<sup>2</sup> Set by Bid.

(b) When a statute, executive order, or court order authorizes the use and requires specific treatment of administrative cost recovery and collection of use fees associated with that use, that requirement will be followed by Reclamation.

ferred, and/or have the use fee adjusted; and

(d) Primary points of contact and other terms and conditions.

#### § 429.28 What terms and conditions apply to all use authorizations?

(a) By accepting a use authorization under this part, you agree to comply with and be bound by the following terms and conditions during all construction, operation, maintenance, use, and termination activities:

(1) The grantee agrees to indemnify the United States for, and hold the United States and all of its representatives harmless from, all damages resulting from suits, actions, or claims of any character brought on account of any injury to any person or property arising out of any act, omission, neglect, or misconduct in the manner or

### Subpart G—Terms and Conditions of Use Authorizations

#### § 429.27 What general information appears in use authorizations?

Each use authorization will contain:

(a) An adequate description of the land, facilities, or waterbodies where the use will occur;

(b) A description of the specific use being authorized together with applicable restrictions or conditions that must be adhered to;

(c) The conditions under which the use authorization may be renewed, terminated, amended, assigned or trans-

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method of performing any construction, care, operation, maintenance, supervision, examination, inspection, or other activities of the grantee.

(2) The United States, acting through Reclamation, Department of the Interior, reserves rights to construct, operate, and maintain public works now or hereafter authorized by the Congress without liability for termination of the use authorization or other damage to the grantee's activities or facilities.

(3) Reclamation may, at any time and at no cost or liability to the United States, terminate any use authorization in the event of a natural disaster, a national emergency, a need arising from security requirements, or an immediate and overriding threat to public health and safety.

(4) Reclamation may, at any time and at no cost or liability to the United States, terminate any use authorization for activities other than existing authorized private exclusive recreational or residential use as defined under § 429.2 if Reclamation determines that any of the following apply:

(i) The use has become incompatible with authorized project purposes, project operations, safety, and security;

(ii) A higher public use is identified through a public process described at § 429.32(a)(1); or

(iii) Termination is necessary for operational needs of the project.

(5) Reclamation may, at any time and at no cost or liability to the United States, terminate any use authorization if Reclamation determines that the grantee has failed to use the use authorization for its intended purpose. Further, failure to construct within the timeframe specified in the terms of the use authorization may constitute a presumption of abandonment of the requested use and cause termination of the use authorization.

(6) Reclamation may, at any time and at no cost or liability to the United States, terminate any use authorization if the grantee fails to comply with all applicable Federal, State, and local laws, regulations, ordinances, or terms and conditions of any use authorization, or to obtain any required permits or authorizations.

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(b) The Regional Director may, upon advice of the Solicitor, modify these terms and conditions with respect to the contents of the use authorization to meet local and special conditions.

#### **§ 429.29 What other terms and conditions may be included in my use authorization?**

Reclamation may include additional terms, conditions, or requirements that address environmental law compliance, the protection of cultural and natural resources, other interests of the United States, and local laws and regulations.

#### **§ 429.30 May use authorizations be transferred or assigned to others?**

Your use authorization may not be transferred or assigned to others without prior written approval of Reclamation, unless specifically provided for in your use authorization or as provided under subpart H of this part for existing private exclusive recreational and residential uses. Should you wish to transfer or assign your use authorization to another individual or entity, you must contact the Reclamation office that issued your use authorization prior to taking such action.

### **Subpart H—Prohibited and Unauthorized Uses of Reclamation Land, Facilities, and Waterbodies**

#### **§ 429.31 What uses are prohibited on Reclamation land, facilities, and waterbodies?**

(a) Reclamation prohibits any use that would not comply with part 423 of this chapter.

(b) Reclamation prohibits any use that would result in new private exclusive recreational or residential use of Reclamation land, facilities, or waterbodies as of the effective date of this part. Improvements that are within the terms and conditions of an existing authorization will not be considered new private exclusive recreational or residential use.